

MINUTES

NATURAL RESOURCES COMMISSION

MARCH 6, 2008

**LANSING CENTER
333 E. MICHIGAN
LANSING**

PRESENT FOR THE NRC

Keith Charters, Chair
Frank Wheatlake, Vice-Chair
Mary Brown, Kalamazoo
Darnell Earley, Lansing/Saginaw
John Madigan, Munising
J. R. Richardson, Ontonagon

ABSENT FOR THE NRC

Hurley J. Coleman, Jr., Saginaw

PRESENT FOR STAFF

Peter Manning, Legal Counsel
Rebecca Humphries, Director
Dennis Fox, Chief of Staff
Dennis Fedewa, Chief Deputy
Arminda Koch, Resource Management Deputy
Teresa Gloden, Assistant to the NRC
Other DNR Staff

COMMITTEE OF THE WHOLE

Chairman Charters called the Committee of the Whole meeting of the Natural Resources Commission (NRC) to order at 3:00 p.m.

Budget Update

Commissioner Wheatlake, Chair, NRC Policy Committee on Finance and Administration, reported that the DNR staff will present monthly budget updates to the NRC including a spend plan and a revenue plan. The spend plan will be a dynamic document due to various factors. This information is posted on the DNR Web site under the following link: http://www.michigan.gov/dnr/0,1607,7-153-39002_11862_49123---.00.html .

Chairman Charters believes the DNR is moving in the right direction relative to transparency of the DNR budget process and toward better educating the public on the process. He noted that at the NRC Policy Committee on Finance and Administration, an

investments update was presented, and it was noted that the DNR made \$47 million in investments last year. **Chairman Charters** said that many remember the \$10 million fund balance recently, but soon forget the progress made to improve investment income.

BOVINE TUBERCULOSIS (TB) SURVEILLANCE REORT

Dr. Steve Schmitt, Veterinarian, DNR reported there have been no reported cases of chronic wasting disease (CWD) in Michigan in the past two years. However, it has not disappeared in the states and provinces where it does exist. Testing continues because early detection and early action are key.

Disease surveillance and monitoring efforts by the DNR during the 2007 white-tailed deer hunting season showed that the prevalence rate for bovine tuberculosis (TB) dropped to 1.4 percent in Deer Management Unit 452. DMU 452 is the core area of the TB outbreak in northeastern Lower Michigan that includes parts of Alcona, Alpena, Montmorency and Oscoda counties. The prevalence rate during the 2006 season had spiked to 2.3 percent, after seeing a decline to 1.2 percent in 2005.

Dr. Schmitt expressed some caution while reviewing the information for 2007 with the NRC last week. He said that deer baiting and supplemental feeding in DMU 452 still remain a serious concern because those activities can increase the risk of disease transmission among deer. Biologists also have some concern that over the past two years the deer population in the area has been on an upward trend. Both factors could be obstacles in the DNR's efforts to eradicate the disease.

For more information on bovine TB and CWD, please visit the State of Michigan's Emerging Diseases Web site at www.michigan.gov/emergingdiseases.

Chairman Charters questioned whether farmers with feeding practices conducive to use by deer are reported, if there are fines or penalties assessed to that farmer. **Dr. Steve Halstead, Veterinarian, Department of Agriculture**, said the Department works with that farmer relative to feeding practices, but is not fined.

Chairman Charters said the onus is in the Departments of Natural Resources and Agriculture to continue pressure to fight the spread of TB in Michigan. He is concerned that this TB issue will be forgotten by the public but said it has to remain an important issue.

EMPLOYEE RECOGNITION

Craig Albright—Outstanding Conservationist of the Year: Craig Albright, a Wildlife Habitat Biologist with the Wildlife Division at Escanaba, was recently named The Outstanding Wildlife Conservationist of the Year by the Michigan State Chapter of the National Wild Turkey Federation at its January meeting in Mt. Pleasant.

Craig was commended for his inclusive management style and his ability to work with diverse groups of people on various activities. He was noted as an employee who is committed to meeting or exceeding the duties of his position.

Director Humphries congratulated Craig and said it is always great to have partners, like the Michigan Chapter of the National Wild Turkey Federation, recognize our employees for the work they do.

Al Stewart Receives MSU College of Agriculture and Natural Resources Alumni Association Outstanding Service Award: Al Stewart, Upland Game Bird Specialist for Wildlife Division, was presented the MSU College of Agriculture and Natural Resources Alumni Association Outstanding Service Award at the Dean's luncheon the day before yesterday (March 4). Al was recognized for his long standing support of the MSU Department of Fisheries and Wildlife; making special efforts to provide opportunities for students at the University; working with various Departments to provide public education opportunities at the University, and dedication to the conservation of wildlife resources.

Director Humphries congratulated Al on receipt of this award and was pleased that Michigan State University had chosen to bestow this honor.

LEGISLATIVE UPDATE

Water Withdrawal Legislation: Dr. Kelley Smith, Chief, Fisheries Division, and Dan Eichinger, Acting Legislative Liaison, provided an update on the water withdrawal legislation that is working its way through the House and the Senate. This Legislation is a bipartisan, bicameral package to regulate groundwater withdrawals and is currently being negotiated. The primary method used in determining the viability and suitability of withdrawals is the use of a "water withdrawal assessment tool" developed by the Groundwater Advisory Council. The DNR and Department of Environmental Quality (DEQ) have argued that the technical standards should not be included in the Legislation. The Legislature is reluctant to give either DNR or DEQ rule making authority to implement the Legislation. Rather, they prefer a politically insulated, science focused board to act as an arbiter. The NRC has been identified as a group suitable to fulfilling that role.

Representative Brian Calley offered HB 5607 which would allow electric motors on bodies of water for disabled individuals who obtain an approved exemption certificate. **DNR supports this bill.** HB 5607 passed the house 107-1 and has been referred to the Senate Natural Resources and Environmental Affairs Committee.

At the request of the bear hunters and bear houndsmen, **Representative Howard Walker introduced HB 5331**, which would eliminate the requirement to possess a valid hunting license for anyone participating in a bear or bobcat hunt who is not carrying a firearm or directly controlling dogs used in the hunt. **DNR opposes this bill.** Proponents of the bill suggest that requiring a license unnecessarily burdens prospective hunters and discourages individuals from "trying out" bear hunting with dogs because they are required to possess a license.

The statutory definition of hunting clearly includes the attempt to take, pursuit, chase, or harassment of game as hunting. If an individual is in the act of pursuing or chasing game under the definition of hunting, they are required to possess a valid license. By its

own admission, the DNR has confused the issue of "participation" by referring to the "participation" license in its hunting guide. Wildlife Division is committed to referring to this license as a hunting license, without a kill tag, to help clarify the issue. The bill was reported out of the House Tourism, Outdoor Recreation, and Natural Resources Committee on a unanimous vote. It has not been voted out of the House, and no vote has been scheduled.

Representative Joel Sheltroun has offered HB 5640 which changes the allowable use of an all-terrain vehicle (ATV). Under HB 5640, any individual 60 years old or older or a person with a disability will be allowed to operate an ATV on a non-designated trail, route, or area, for pleasure or hunting. The DNR has not yet completed its analysis of HB 5640, though we are expected to oppose the bill.

HB 5740, offered by Representative Kevin Elsenheimer, would allow the Department to auction up to five bear kill tags, and five elk kill tags to the highest bidder. Similar proposals have been offered on this topic before. The DNR has not yet completed its analysis of HB 5740, though we are expected to oppose the bill.

HB 5741, offered by Representative Sheltroun would change the eligibility requirements for hunting with a crossbow. The bill calls for a minimum disability threshold of 60 percent in addition to specific reference to some spinal cord injury, amputation, and some degenerative nerve and muscle disorders. The bill also allows the Department to issue crossbow permits to any person age 69 or older. We understand that the sponsor will not seek a hearing on the bill for a while to allow the NRC Crossbow Disability Work Group to work through its process.

In order to receive our Federal apportionment of Pittman-Robertson, Dingell-Johnson monies, the State of Michigan was required to enact assent legislation to comply with the Federal requirements and mandates for allowable uses of that money. This assent legislation incorrectly refers to the U.S. Department of Agriculture. **HB 5771, offered by Representative John Stakoe**, corrects that reference to the U.S. Department of Interior. This change was requested as a result of auditing activities. DNR supports the bill. The bill was voted out of Committee on Tuesday, and a floor vote is expected to be scheduled the week of March 10.

Senator Ron Jelinek offered SB 629, which would prohibit jumping, diving, and swimming to or from a pier, breakwater or jetty. In response to several incidents of drowning over the past several years, local officials from coastal Lake Michigan communities have sought to ban this popular activity. As written, the DNR opposes this bill. On Tuesday, March 4, the House Tourism, Outdoor Recreation and Natural Resources Committee heard testimony on a house substitute to SB 629. The substitute would allow local units of government to pass an ordinance banning jumping and diving from piers. DNR supports this substitute as it would remove the expectation that conservation officers would be called to take enforcement action. Local units of government bear the responsibility of enforcing their local ordinances.

Senator Michael Prusi offered SB 1077: In response to mounting concerns from constituents, a group of UP legislators collaborated with legislators friendly to agriculture, to memorialize in statute the right of an individual to lethally control a wolf that is in the act of attacking their dog. A house twin to this bill, **HB 5687, has been offered by**

Representative Kevin Green. Activity on these bills could confound efforts to move forward with de-listing the wolf as threatened or endangered in Michigan. Sponsors of this package have been cautioned against aggressively pursuing this package until litigation on the wolf has been resolved. Full Department review of the package is not yet complete.

Senator Randy Richardville offered SB 1085: When falconry regulations were originally proposed almost 10 years ago, the enabling legislation included a sunset clause which, without amendment, will take effect January 4, 2009. Negotiations are under way between the falconers and the Audubon Society to repeal this sunset and make changes to the enabling legislation. DNR supports the bill **and** the efforts of the two constituent organizations and expects action on it sometime this spring.

Washington DC Report

Wolf Delisting: **Director Humphries** reported that the Office of the Michigan Attorney General wrote an amicus curie brief for the DNR in the lawsuit filed in the district court for the District of Columbia in Washington DC against the U.S. Fish and Wildlife Service (USFWS) by the Humane Society of the United States. The lawsuit challenged the USFWS's decision to remove the gray wolf in the western Great Lakes states from the endangered species list under the Endangered Species Act (ESA). Based upon the documented recovery of the wolf population in Michigan, Wisconsin, and Minnesota, the USFWS determined that the gray wolf no longer met the definitions of threatened or endangered under the Endangered Species Act. Michigan's brief supported the USFWS decision to delist.

Farm Bill: **Director Humphries** reported that the federal Farm Bill reauthorization remains elusive. While the House, Senate and White House have settled on a figure of \$10 billion over baseline for the reauthorized bill, there remains significant disagreement over how to pay for it. There also are some outstanding policy differences on issues such as an adjusted gross income cap on eligibility for commodity payments. The states and the fish and wildlife conservation community continue to advocate robust funding for the programs under the Conservation Title, including the creation of the Open Fields provision to facilitate state-private landowner access programs.

DIRECTOR'S ACTION ITEMS - DISCUSSION

Director Humphries noted that the State Forest Management Plan action has been postponed awaiting additional public comment.

Commissioner Brown, referring to Land Use Order of the Director, Amendment No. 5 of 2008 (FOR INFORMATION ONLY), questioned if the term "watercraft" also referred to kayaks, tubes, etc. Staff will contact Commissioner Brown to discuss the details.

The Committee of the Whole meeting adjourned at 4:00 p.m. and the Public Appearances portion of the meeting convened immediately thereafter.

PUBLIC APPEARANCES

Greg Julian, Leelanau Whitetails, supports continuation of mandatory quality deer management (QDM) in Leelanau County. He believes the deer herd is balanced in the county due to the QDM program.

Ron Spaulding, Tuscola County resident, does not support mandatory QDM in any way stating it takes away the freedom of choice as well as the combination license opportunity. He does, however, fully support voluntary quality deer management. He requested review of the QDM procedures prior to extending the mandatory QDM for Leelanau County.

Bob Walker, United Sportsmen's Alliance, opposes mandatory QDM proposals and supports the continuation of a moratorium on additional QDM proposals.

* * *

Chairman Charters recognized State Representative Tom Casperson.

* * *

Randy Severence, United Sportsmen's Alliance, supports voluntary QDM but not mandatory QDM. Not having mandatory QDM allows for taking inferior bucks out of the gene pool. **Commissioner Wheatlake** questioned the buck-to-doe ratio in the Thumb area and asked how hunters could be encouraged to harvest more antlerless deer. **Mr. Severence** believes more antlerless deer should be harvested in the Thumb area. He allows hunting on his farm.

Tom Funke, Michigan Audubon Society, supports the proposed changes to the Pesticide Regulations, Wildlife Conservation Order, Amendment No. 3 of 2008. He thanked the DNR staff for allowing him to work with them on this issue.

Rory Mattson, Delta Conservation District, stated that a rally was held in Marquette on March 16, 2008 relative to DNR's management of funds and resources. **Mr. Mattson** believes the DNR system is broke and asked for more openness and transparency from the DNR. He suggested that the DNR and NRC were both aware of the \$10 million fund balance in the Game and Fish Protection Fund, but continued to seek additional funding. **Commissioner Earley** took exception to the fact that the NRC was aware of the fund balance long before it surfaced. He said the NRC was not aware of it until the public was made aware.

Commissioner Madigan noted that he and **Commissioner Richardson** attended the March 16 rally in Marquette. He stated that the DNR and NRC are putting together a plan to do more local meetings across the UP and are attempting to devise a plan to involve the public in the process. **Commissioners Madigan and Richardson** agree it is time to move forward rather than looking back.

Director Humphries stated there was never any intent to deceive the public relative to the DNR funds. She said she has publicly apologized. The fund balance was truly a result of cutbacks and savings as imposed by the Governor's Executive's Directives and

she was as surprised as anyone when she learned of the fund balance. The timing was very unfortunate in many ways.

Mr. Mattson met with staff for nearly three hours on Wednesday, March 5, 2008 and is encouraged that all can move ahead together.

Commissioner Wheatlake noted that there will be an NRC Policy Committee on Finance and Administration meeting in July when the NRC meets in Munising.

Dana Potocki stated the trend of transparency needs to continue. However, she believes there are issues that need work in the DNR, such as: parks and recreation-will there be a deficit in 2009 or not; employees should assist in resolving issues; need for cross-training employees; need more rewarding of employees for good ideas; need for more employee incentives; and need additional recreational partnering.

Director Humphries said cuts have been made to make the DNR whole through forced lapses and voluntarily reducing spending.

Jay Tuckey, Caro, believes the DNR's cost of processing QDM proposals is costing too much over and above the application fee. He recommended continuation of the moratorium on QDM proposals and supports the current combo license structure.

Commissioner Madigan suggested there was success with the QDM proposal on Drummond Island as well as Leelanau County.

* * *

Chairman Charters left the meeting and **Vice-Chair Wheatlake** took the seat of Chair.

Bob Jacobson, Michigan Conservation Foundation, commented on the direction in some areas of the proposed State Forest Management Plan (SFMP) as follows: 1) Agrees with managing northern pine and black oak in the 70-90 year rotation ages, but disagrees with harvesting white oak at 70-90 years due to their life-span of 150 to 200 years; 2) believes there should be more consideration for deer habitat.

Cynthia Pryor, Big Bay, is looking for answers to questions resulting from newly permitted sulfide mining in the Upper Peninsula (UP) such as: how many jobs will it create; how much of the revenue will remain in the UP; what will the UP look like after the mining ceases; what assurances exist that damage to the waters and lands will not occur; and where do the revenues go from the mining. She also wanted a better understanding of the long-range global plan for the western UP. Although some portions of the mining lease are in litigation, **Director Humphries** was able to comment that a great deal of Michigan Natural Resources Trust Fund monies are being invested in the UP for recreational purposes.

David Reed, Michigan Farm Bureau member, noted that TB had been found in a deer just four miles from his farm. He is concerned there are too many deer and population reduction needs to occur. His cattle herd is being tested for TB for the third time.

Bob Bennett, Ogemaw County dairy farmer, appreciates the feeding and baiting regulations in place, but believes there needs to be more emphasis put on these regulations. He obtains disease permits to harvest deer on his land to reduce the herd, but does not get all he requests.

Patrick McGuire, Antrim County fruit farmer, was unable to obtain disease control permits because he does not have livestock. **Director Humphries** recommended he work with acting Wildlife Division Chief, Doug Reeves, on this issue. She indicated she wants to make it easier for individuals to obtain disease control permits.

Chris Hull, biologist and ornithologist, supports the proposed pesticide regulations and the intent of updating pesticide regulations. He also supports the requirement that all outdoor application of avicides be subject to a project control permit. He did express concerns, including: the regulations would disallow all permit issuances in areas containing active peregrine falcon nesting territories, but allow permits everywhere else, causing all other raptor species and peregrines outside of nesting territories to be placed at risk; the seasonal restriction of avicide use in peregrine territories to March 15-October 15 is too short; the entire practice of using pesticides to kill birds is highly questionable; the DNR does not conduct site-specific, on-the-ground inspections to ensure compliance. He commented that, if avicides are used: 1) the DNR should make a definitive determination of need, in the form of a demonstrable economic harm, prior to issuing any project control permit; 2) DNR should monitor every control permit on-site to ensure compliance with the set mitigation measures to minimize risks to human health, pets, and non-target wildlife species; 3) DNR should facilitate community-right-to-know processes and public oversight of every project control permit; the proposed penalty for violation of the regulations does not go far enough; 4) increased protection is needed for state and federally protected raptors and passerines outside of peregrine territories; 5) DNR's seasonal restriction on avicide application within Peregrine nesting territories needs to be expanded to March-December.

Monte Bordner, owner Bordner Farms, said the TB issue in northern Michigan has not only impacted the cattle industry, but the entire state. He questioned the science of allowing baiting and feeding and would like to see it end. He also recommended imposing increased penalties on illegal baiting and feeding to, at least, be comparable to poaching.

Gary Wiley, G & Triple J Farms, has a cattle farm in Clare County where he can view several deer from his deck daily. He requested that the DNR and NRC find a way to address high deer populations in certain areas of the state. He also recommended additional regulations and enforcement on baiting. **Mr. Wiley** said he allows hunters on his property during the hunting season.

Ken Nobis, Michigan Milk Producers Association (MMPA), urged the NRC to assist in reducing the congregation of deer and reduce the risk of spreading TB by banning baiting and feeding of deer statewide and making disease permits more available. He also recommended increased penalties for illegal baiting and feeding.

Bob Kran, Michigan Milk Producers Association, said MMPA is working hand-in-hand with the U.S. Department of Agriculture and the Michigan Department of Agriculture to develop farm wildlife plans.

Clay McNitt, Michigan Darkhouse Association, was pleased to hear there was support for continuing mandatory QDM in Leelanau County. **Mr. McNitt** requested an extension of the spearing season. **Dr. Kelley Smith, Chief, Fisheries Division**, said that the spearing season is set by the Legislature and that any changes would have to be done in the statute.

Ron Shaver, Mid-Michigan Sportsman Alliance, opposes the proposal written by George Lindquist. He does not believe the proposal would positively impact license sales. **Mr. Shaver** also requested that the cost of any future QDM proposals be borne by the applicant. He recommended no new QDM proposals be accepted and supports banning baiting statewide.

Dave Dunn, United Sportsmens Alliance, opposes QDM.

Bruce Levey, President, Michigan Bow Hunters Association, supports the current combo license system; supports an increase in antlerless licenses; recommends extending the first bow season to the first Sunday in January; and does not support an early firearm season in Zone 3; .

Pete Mogg, Byron Center, asked that more individuals be allowed to hunt with a crossbow. **Commissioner Madigan** noted that the Crossbow Disability Work Group was established and the issue is being reviewed.

David Hogan, President, Michigan Hawking Club, is concerned that avicides are a source of secondary toxicity to all raptors that prey on the target species. He supports Wildlife Conservation Order, Amendment No. 3 of 2008, Pesticide Regulations.

Karen Young, Michigan Hawking Club, supports Wildlife Conservation Order, Amendment No. 3 of 2008, Pesticide Regulations.

John Ingersoll, Indian River, discussed a disciplinary action. **Director Humphries** said she would review the file and respond back to **Mr. Ingersoll**.

George Berghorn, Michigan Forest Products Council, congratulated the DNR developing the State Forest Management Plan (Plan) and appreciates the transparency in the development process. Although he is in agreement with key principles in the Plan that forest management in the State should be based upon desired future conditions, the roadmap of how to get from the present situation to those desired future conditions is of concern. He expressed two concerns and asked that both be fully explained in the Plan:

- 1) The development of a sustainable harvest level in the plan. He expressed concern with the statement in the plan that recognizes the goal of 52,000 acres of timber harvest, said this acreage is not scientifically derived, and said it does not comply with boilerplate language in the DNR budget; it provides no scientific rationale for maintaining that number over time; it does not attract forest products businesses to Michigan; it does not support the Governor's goal of developing Michigan as the center of excellence for the bio-economy; and defies the DNR's position of not wishing to place a sustainable harvest level in the Plan. The Council asked that either a sustainable harvest level be added to the Plan or take the 52,000 acre statement out.

2) The role and relationship of and between the regional plans and the Plan. If the regional plans are going to assist in data development of how to reach a sustainable harvest level, he requested more transparency be added to the Plan on how this will be done.

Tom Barnes, Executive Director, Michigan Association of Timbermen, concurred with Mr. Berghorn's comments. One concern is having some level of sustainability or allowable harvest in the Plan and additionally delineate what types of products are going to be produced. The Association would prefer those numbers be added to the Plan creating a "one-stop" document. He believes the cervid impact on the forest also needs more attention in the Plan.

Jan Wolfen, Michigan Trail Riders, is disappointed the horseback riders will not be able to access certain roads in the Pigeon River Country State Forest as they have been able to do in the past. **Director Humphries** said certain areas in the Pigeon River Country State Forest suffer from overuse, and the DNR is working on plans for wise use of these areas. She said DNR staff are working on this issue.

Joe Hudson, UP Bear Houndsmen Association, wants to get youth involved in bear hunting with dogs.

* * *

The Public Appearances portion of the meeting adjourned at 6:37 p.m. and the Regular Meeting of the NRC immediately convened.

APPROVAL OF MINUTES – FEBRUARY 7, 2008 NATURAL RESOURCES COMMISSION MEETING

Commissioner Madigan made a motion, supported by Commissioner Earley, for approval. Motion unanimously carried.

DIRECTOR'S ACTION ITEMS

Director Humphries stated her intent to sign all of the Director's Action Items on the Agenda.

QUALITY DEER MANAGEMENT – LEELANAU COUNTY

Commissioner Earley made a motion, supported by Commissioner Madigan, to extend the mandatory QDM proposal for Leelanau County indefinitely, until the NRC makes a motion for modification. Motion unanimously carried.

COMMITTEE/WORK GROUP MEETINGS - REPORTS

Crossbow Disability Work Group: This meeting convened at 9:00 a.m. on March 6, 2008 at the Lansing Center, Lansing. Minutes are attached.

NRC Policy Committee on Technology, Information, Marketing and Education:

This meeting convened at 10:10 a.m. at the Lansing Center, Lansing. Minutes are attached.

NRC Policy Committee on Land Management: This meeting convened at 10:15 a.m. at the Lansing Center, Lansing. Minutes are attached.

NRC Policy Committee on Wildlife and Fisheries: This meeting convened at 11:15 a.m. at the Lansing Center, Lansing. Minutes are attached.

NRC Policy Committee on Finance and Administration: This meeting convened at 1:30 p.m. at the Lansing Center, Lansing. Minutes are attached.

COMMISSIONER REPORTS

Commissioner Madigan said the first meeting of the Crossbow Disability Work Group was held earlier in the day. Commissioners Madigan and Richardson will co-chair this Work Group. The next meeting of the Work Group will be held on April 10, 2008.

The meeting adjourned at 6:45 p.m.

CROSSBOW DISABILITY WORK GROUP

Present for the Work Group

John Madigan, Co-Chair
J.R. Richardson, Co-Chair
Mike Bailey
Rex Darlington
Cecelia Gilson
Jane Gordon
Jeff Johnstone
Chuck Jordan
Jerry Keck
Dennis Knapp
Bruce Levey
Ashley Mckellar
Tim Minge
Doug Miron
Brian Osterwalder
Bill Pemble
Merle Shepard
Stan Sokolowski
Patricia Spitzley
Amy Spray
Jim Trinklein
Mark Velthouse
Tom Wilming

Work Group Chairman John Madigan convened the meeting at 9:00 a.m.

Chair Madigan recognized **Brady Schickinger from Representative Sheltrown's Office.**

The following information and documents were reviewed:

- Current Permit Application for crossbows and modified bows
- Current crossbow law (451 PA 1994, Section 324.40114)
- Current crossbow regulations (Wildlife Conservation Order, 5.95)
- Archery Trade Association – Fundamentals of Crossbow Dynamics and Usage
- House Bill 5741 of 2007
- Archery Trade Association Crossbow Position Statement

Currently, Dennis Knapp said the law only allows the State to issue permits to permanently disabled individuals.

Increased funding to the Game and Fish Protection Fund is not the objective of this Work Group.

Cecelia Gilson, DNR's administrator for the crossbow program, reviewed the requirements to qualify for a crossbow permit. Currently, an individual must have

certification by a physician of a spinal cord injury above C-8 or an amputation, or, by a physical therapist's evaluation certification that an individual is 80 percent or more disabled.

Approximately 2000 crossbow permit applications are received per year. One to two percent are denied or are not eligible. Those who apply for a modified bow generally are issued one. **Jane Gordon** would like this issue reviewed and possibly remove the conservation officers from issuing permits.

Crossbow Permits issued to date:

19,495 Indefinite permits exist
2,300 2-year permits
For Seniors 65 and older: 8,859
2-year permits for Seniors 65 and older is 1,024

Stan Sokolowski said he has arthritis in his chest and that a physical therapist is unable to measure his pain.

Jerry Keck asked if there is any way to track if a crossbow permit is being utilized or if a permit holder is deceased. **Ms. Gilson** responded that there is no means of determining if a crossbow permittee utilizes their permit. However, she will be able to determine how many crossbow permit holders buy a hunting license. She noted that there is no way to determine if permittees are deceased.

Dennis Knapp reviewed other state/province crossbow regulations. In tallying up the 50 states only, following is the breakdown:

1 state has no recognized crossbow season
22 states allow crossbows if physically challenged only or have a special permit
16 states allow crossbows for all hunters in specified or gun seasons
11 states allow for all hunters in archery season

Bruce Levey stated that bow hunters are concerned that if the age is lowered, it will continue to go lower, and they believe that age is not a disability.

Chuck Jordan noted that in states which allow using crossbows during archery season, the harvest is low during that season.

Discussion ensued relative to age versus disabled.

Mike Bailey, Wildlife Division, said it is important to consider the effects on the resource of allowing crossbows during the bow season. It is important to increase recreational opportunities while maintaining protection of the resource.

Mark Velthouse said a lot of attention goes to crossbows when training young and old because it's easy and draws attention.

Bruce Levey said there are other species to hunt in Michigan and suggested the use of crossbows for these other species.

Amy Spray questioned whether the efficiency of the weapon is factored in developing deer harvest numbers. **Mr. Bailey** said the weapon type cannot be factored in at this time. Discussion ensued.

Doug Miron noted there may be some who would hunt with crossbow but do not want to hunt in later seasons when colder weather sets in.

Commissioner Richardson said age and disability should be separate considerations during the discussions in this Work Group.

Ms. Gilson reported that students from Saginaw Valley College are developing a standardized form for all physical therapists to utilize when evaluating an individual for crossbow eligibility. The current application is vague.

Chairman Madigan went around the room and asked everyone to identify their one priority issue that they would like addressed by the Work Group:

Bruce Levey recommended getting modified bow included into the process to help those who have temporary issues, i.e., develop a "temporary permit."

Jerry Keck wants to see everyone who needs help will get help and also wants to preserve the integrity of bow season in Michigan.

Bill Pemble recommended standardization of the permit qualifications for all physical therapists.

Merle Shepard said hunters are part of the resource. Focus needs to be given to disabled hunters and getting the permit done, then decide whether age is a disability at a later date.

Cecelia Gilson encourages standardizing the physical therapist's format; define disabilities that cannot be evaluated by a physical therapist; and make the physician a larger part of process.

Mark Velthouse would like to see more consistency in the permitting and more opportunities for individuals to hunt with a crossbow.

Mike Bailey asked for standardized permitting procedures to allow for increased opportunities and to not endanger the resource.

Dennis Knapp emphasized the need to recruit and retain hunters.

Jane Gordon stated that the Law Enforcement Division wants to do what is best for hunters and resource groups and suggested separating the crossbow from modified bow permits.

Jeff Osterwalder asked for standardized permitting criteria, and to discuss the age issue in the future.

Doug Miron is interested in considering permitting seniors without disabilities.

Brian Osterwalder wants to recruit and retain hunters.

Stan Sokolowski would like the regulations changed for everyone.

Amy Spray said MUCC has no official policy but personally would like to see expanded opportunities and to look at permanent versus temporary permits.

Rex Darlington wants to improve handicap accessibility and the ability to hunt with a crossbow without a crossbow permit.

Chuck Jordan wants to increase the opportunity to hunt without impacting the resources.

Tim Minge has no opinion at this time.

Ashley McKellar recommended standardizing the permitting process in determining “disability” and at the same time preserving the integrity of Michigan’s bow hunting. She does not support an age factor.

Merle Shepard encouraged the Work Group to stay focused on the charge of the Work Group as reviewed earlier.

Dr. Tom Wilming requested a better definition of “disabled.”

Comments from those not on the Work Group were:

Ed Beckley supports recruitment and retention with an age limit.

Ed Beckley recommends setting an age limit and allowing hunting with a crossbow after that age limit without a permit. He also recommended standardized procedures for crossbow permitting.

Jim Lubkowitz recommended simplification of the permitting process and creating a hunter’s choice process.

Tim Klein recommended streamlining the permitting process and allowing the permanently disabled a “hunters choice” weapon.

Judy Jordan suggested better definition of “disability.”

Dan Leonard suggested making the crossbow a weapon of choice.

Millard Holton qualifies for a crossbow but would like to know how many with permits are actually alive or hunting with a crossbow.

Greg Sokolowski recommended streamlining the permitting process and lowering the disability requirements. He asked for equal access.

The meeting adjourned at 10:45 a.m.

**NRC Policy Committee on
Technology, Information, Marketing and Education**

The meeting convened at 9:20 a.m.

Present for the Committee: Commissioners Mary Brown and Darnell Earley. NRC Chairman Keith Charters was also present.

Presentations

Shari Dann, Michigan State University, gave a briefing on the Conservation Stewards Program.

Ray Rustem and Janet Canode, Office of Communications, gave a briefing of the No Child Left Inside. The events will take place during the week of April 22 – April 27.

The meeting adjourned at 10:10 a.m.

NRC Policy Committee on Wildlife and Fisheries

Wolf Management Plan Update

Pat Lederle, Wildlife Division, explained that the wolf management plan was scheduled to be up for Director's information this month but the revised plan was not yet available on the DNR Web site so this plan would be delayed for a month.

Pheasant Hunting Recommendations

Al Stewart, Wildlife Division, provided Wildlife Division recommendations to expand the Zone 1 Pheasant Management Unit, which is located in the western/central UP.

Elk Hunting Recommendations

Rod Clute, Wildlife Division, presented the proposed elk season dates and license quotas. Wildlife Division recommended 35 any elk licenses and 75 antlerless licenses in Hunt Unit L with the hunt period from August 26 to 29 and September 12 to 16. In the other hunt units (A-E), 75 any elk and 145 antlerless elk were proposed with the hunt period from December 9 to 16. Also, an optional January season was recommended, if necessary, from January 14 to 18. Lastly, Wildlife Division recommends changing the elk season shooting hours from ½ hour before sunrise to ½ hour after sunset to be consistent with most other hunting seasons.

Bear Hunting Recommendations

Pat Lederle provided an overview of the Wildlife Division's proposed changes for the 2008 bear hunting season. Currently, trends indicate the western UP area bear population is increasing 2 to 5 percent per year. The Division would like the population to stabilize in that area and therefore is recommending a desired harvest of 1,300 bears in that region. In the eastern UP, trends indicate the bear population is increasing 1 to 3 percent per year. The Division would like the population to increase another 2 percent and therefore is recommending a desired harvest of 820 bears. In the northern lower peninsula area, trends indicate that the population is stable or slightly decreasing. The Division would like the population to decrease 5 percent and therefore a desired harvest of 430 is recommended. The desired Drummond Island harvest is 7. Dr. Lederle also outlined the potential tribal harvest given the Wildlife Divisions recommended quotas. The tribes can authorize no more than 10 percent of the available harvest in each such bear management unit. This does influence the number of state licenses that are issued and adjustments are made for tribal harvest prior to calculating the number of state licenses. Wildlife Division recommends 5,835 bear license be available in the western UP, 4,910 licenses be available in the eastern UP, and 2,240 licenses be available in the northern LP.

Project Control Permit Regulations

Karen Cleveland, Wildlife Division, presented additional information related to avian pesticide control permits. The Wildlife Division would like a permit to be required when pesticides are used in urban areas to minimize the risk of mortality of threatened and endangered species. Ms. Cleveland also outlined the documented cases of wildlife mortality caused by Avitrol.

Evaluation of Quality Deer Management (QDM) in Deer Management Unit (DMU) 045

Brian Frawley, Wildlife Division, provided the survey results related to continuing the QDM restrictions in DMU 045. The initial survey was completed in 2001 and antler point restrictions began in 2003. The QDM guidelines require another survey after five years to evaluate support. Both the survey to landowners and hunters exceeded the necessary percentage of support to continue the QDM regulations in that area. Seventy-two percent of survey respondents supported continuing the regulations; support of 66 percent was needed.

NRC POLICY COMMITTEE ON FINANCE AND ADMINISTRATION

MARCH 6, 2008

LANSING CENTER

The meeting convened at 1:30 p.m.

Commissioners Wheatlake (Chair) and Richardson were present for the Committee. Commissioners Earley, Brown, Madigan (came in late) and Charters were also present.

All documents referred to in the following Minutes can be found at the following website:

http://www.michigan.gov/dnr/0,1607,7-153-39002_11862_49123---,00.html

Chairman Wheatlake requested comments on the format of these documents and presentations.

DNR MONTHLY SPEND PLAN REPORT

Sharon Schafer, Budget and Support Services, reviewed DNR's monthly spend plan. **Chairman Wheatlake** said the figures in the Spend Plan will be adjusted and will change in the next few months because the DNR programs are seasonal in many cases. **Commissioner Earley** noted that budgets are working documents. Reporting of these budget issues is an effort to regularly update the NRC and the public on the status of the budget and of DNR funds. **Ms. Schafer** noted that several of the federal funds have not been drawn down as yet because the DNR is awaiting grant approvals before draw-downs can occur. For example, the DNR recently received several Pittman-Robertson grant approvals and on the next budget review, those revenues will be reflected. Discussion ensued.

Donna Stine, MUCC, asked if the DNR is still operating under an Executive Order or Directive to restrict spending? The DNR has spending restrictions currently and out-of-state travel expenditures must be held to 2007 levels. Some hiring and training restrictions still remain in effect.

Director Humphries noted that any adjustments and shifts of funds must be within the purview of the specific funding source requirements.

Jane Schultz, Budget and Support Services, detailed the revenue report.

Discussion ensued relative to federal apportionments. **Director Humphries** stated that the best way to increase Michigan's federal apportionments is to increase hunting and fishing license issuances. For each license sold, Michigan receives \$8 to \$9 in federal funds. The key is never to lose the opportunity to spend this money. That is why it is crucial to have multiple project agreements and more authorities within the agreements so the DNR has adequate opportunity to spend these apportionments.

Jim De Clerck requested addition of the estimated fund balances on the tables. Discussion ensued.

Bill Bobier, Earthscape, asked if there is a formula for cost allocation. **Ms. Schafer** responded saying that how activities are funded on the resource side of the DNR determines how administrative functions are funded. A third party does the allocations for the State of Michigan.

Chairman Charters said that spending decisions are made by the managers. However, if there is a policy decision, that lies with the NRC.

INVESTMENTS REVIEW

Joe Frick, Financial Services, discussed four funds with major investment balances totaling \$596 million.

- Natural Resources Trust Fund: September 30, 2007 - \$345 million
- State Parks Endowment Fund: September 30, 2007 - \$134 million
- Game and Fish Protection Trust Fund: September 30, 2007 - \$111 million
- Nongame Fish and Wildlife Trust Fund: September 30, 2007 - \$6 million

Of that \$596 million, \$549 million is a corpus – or money that is the principal where non-renewable revenues such as oil and gas revenue have been set aside by the Constitution as being held for investment purposes. As of September 30, 2007, \$47 million is primarily reflective of investment gains in the equity market since the DNR began investing in 2003. In 2003, the DNR was given Constitutional authority to broaden investments, largely due to the work of the NRC Policy Committee on Finance and Administration. Roughly 30 percent of the funds are currently being invested in equities (primarily S&P 500 Index Fund). In June 2007, \$180 million in equities was sold, as explained in the last meeting. In October, Treasury began “dollar cost averaging” averaging back into the equities market. Currently, investments in equities are approximately \$150 million. Purchases have been all made at a lower cost than when they were sold in June.

Chairman Charters was pleased to hear of the \$47 million in gains. He noted that most will remember the \$10 million fund balance last fiscal year, but would not remember the \$47 million in market gains.

AUDIT UPDATE

Thomas Benson, Internal Audit, reported on current pending audits in the DNR:

Waterways Audit: Field work is complete. Staff is working with the Office of the Auditor General to clarify issues. The draft audit report has not been issued.

Single Audit: Field work has begun. There is a June 30 mandate for completion.

Federal Audit: The DNR is awaiting approval of its corrective action plan and hopes to receive it soon.

The meeting adjourned at 2:45 p.m.